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11
12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 CHRISTIAN REILLY,

15 Plaintiff,

16 vs.

17 7-ELEVEN, INC., a foreign corporation;
18 DOES I through X; and ROE ENTITIES I
19 through X,

20 Defendants.

CASE NO. 2:17-cv-02288-APG-CWH

21 **STIPULATION AND ORDER TO**
22 **AMEND COMPLAINT AND CAPTION**
23 **AND TO FILE FIRST AMENDED**
24 **COMPLAINT**

25 **STIPULATION AND ORDER TO AMEND COMPLAINT AND CAPTION AND**
26 **TO FILE FIRST AMENDED COMPLAINT**

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28 COME NOW, Plaintiff CHRISTIAN REILLY, by and through his attorney, DAVID A.
TANNER, Esq. of the TANNER LAW FIRM; and Defendant, 7-ELEVEN, INC. by and
through its attorney, JACK P. BURDEN, Esq. of BACKUS, CARRANZA & BURDEN, and
hereby stipulate and agree as follows.

1 WHEREAS, Plaintiff intended to sue the owners, operators, and manager of the 7-
2 Eleven store where he was located at the time of her fall;

3 WHEREAS, AMARJEET S. MAROKE, a Nevada resident, was the franchisee that
4 owned, operated, and maintained the subject 7-Eleven store where Plaintiff fell;

5 WHEREAS, Defendant, 7-ELEVEN, INC., a foreign entity, did not have any
6 involvement in the day-to-day operation of the subject 7-Eleven store (this based upon Defense
7 counsel's representation);

8 IT IS HEREBY STIPULATED that 7-ELEVEN, INC. be dismissed from this case,
9 without prejudice;

10 IT IS FURTHER STIPULATED that AMARJEET S. MAROKE will be included in this
11 case as a Defendant;

12 IT IS FURTHER, STIPULATED that the Complaint and Caption be amended to reflect
13 the dismissal of 7-ELEVEN, INC. and inclusion of AMARJEET S. MAROKE (a copy of the
14 First Amended Complaint is attached hereto as Exhibit 1);

15 IT IS FURTHER STIPULATED that should discovery reveal that 7-ELEVEN, INC. had
16 any involvement in this matter, will be called to testify at trial, or that it was wholly or partially
17 responsible for Plaintiff's fall, the Plaintiff can bring 7-ELEVEN, INC. back into this case. If
18 that happens, 7-ELEVEN, INC. inclusion in this case will relate back to the date of the Original
19 Complaint for all purposes, including the statute of limitations;

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1 IT IS FURTHER STIPULATED that the First Amended Complaint will relate back to
2 the date of the original Complaint for all purposes, including the statute of limitations; and
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4

5 By: /s/ David A. Tanner
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13 *Attorney for Plaintiff*

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Attorney for Defendant

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16 **ORDER**

17 IT IS SO ORDERED.

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21 UNITED STATES DISTRICT JUDGE
22 Dated: September 14, 2017.
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